

REMARKS

Claims 1 – 7, 12, 14, and 16 - 39 are pending. Claims 34-39 have been added. Claims 1, 12, 14, and 33 have been amended. No new matter has been introduced. Reexamination and reconsideration of this application are respectfully requested.

In the August 27, 2008 Office Action, the Examiner rejected claims 1 – 5, 12, 14, 16 – 25, and 28-33 under 35 U.S.C. § 103(a) as being unpatentable over Okumura et al., U.S. Patent No. 5,444,687 (hereinafter Okumura) in view of Maeda et al., U.S. Patent No. 5,768,245 (hereinafter Maeda). The Examiner rejected claims 6-7, 20-21, 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Okumura in view of Maeda and further in view of Ohira et al., U.S. Patent No. 5,748,607 (hereinafter Ohira). Applicant respectfully traverses the rejections in view of the claims as amended.

**Independent claim 1, as amended recites:**

An optical disc recording apparatus for forming an image on an optical disc by a laser beam, comprising:

*an optical pickup which applies a laser beam of substantially constant power to the optical disc to form the image;*

a rotating section which rotates the optical disc at a substantially constant speed;

a feeding section which moves the optical pickup by a movement distance in a radial direction of the optical disc;

a detecting section which detects a radial position of the optical pickup with respect to the optical disc; and

*a movement distance controlling section which changes the movement distance set by the feeding section in accordance with the radial position of the optical pickup detected by the detecting section.*

The Okumura reference does not disclose, teach, or suggest the apparatus specified in independent claim 1. Unlike the apparatus specified in independent claim 1, Okumura does not teach “*an optical pickup which applies a laser beam of substantially constant power to the optical disc to form the image.*”

Okumura discloses an optical disc recording method and apparatus for reproducing data in a disc or recording data in the disc. In particular, Okumura enables the apparatus to reproduce data in the disc which has been recorded under constant linear velocity (CLV) and to record data in the disc in format for CLV while the disc is rotated under constant angular velocity (CAV). However, Okumura fails to teach or suggest an optical disc recording apparatus for forming an image on an optical disc by a laser beam which includes "*an optical pickup which applies a laser beam of substantially constant power to the optical disc to form the image*" and "*a movement distance controlling section which changes the movement distance set by the feeding section in accordance with the radial position of the optical pickup detected by the detecting section.*" Accordingly, Applicant respectfully submits that independent claim 1 distinguishes over Okumura.

The Maeda reference does not make up for the deficiencies of Okumura. Maeda is directed to an optical disk apparatus for recording marks on the same conditions from the inner peripheral portion to the out peripheral portion of the optical disk. (*Maeda, 1:5-10*) Maeda discloses that when data is to be recorded in the disc, the track should be constant. (*Maeda, 7:16-30*) However, the combination of the Okumura and Maeda does not disclose, teach, or suggest an optical disc recording apparatus for forming an image on an optical disc by a laser beam which includes "*an optical pickup which applies a laser beam of substantially constant power to the optical disc to form the image*." Accordingly, Applicant respectfully submits that independent claim 1 distinguishes over the combination of Okumura and Maeda.

Applicant further notes that the present invention is directed to forming an image on an optical disc and not to recording data. Because an image, not data, is to be formed on the optical

disc, the formed image is not data, it is not necessary to form tracks on the optical disc. Thus, the label surface of the optical disc is not formed with the tracks. As such, Applicant submits that Okumura and Maeda fail to suggest, teach, or disclose "*a movement distance controlling section which changes the movement distance set by the feeding section in accordance with the radial position of the optical pickup detected by the detecting section.*"

Independent claims 12, 14, and 37 recite limitations similar to claim 1. Accordingly, Applicant respectfully submits that independent claims 12, 14, and 37 distinguish over Okumura in combination with Maeda for reasons similar to those set forth above with respect to independent claim 1.

Claims 2 – 7, 28, 31 and 34 depend from independent claim 1, as amended. Claims 16-21; 29, 32, 35 and 36 depend from independent claim 12, as amended. Claims 22-27, 30, and 33 depend from independent claim 14, as amended. Accordingly, Applicant respectfully submits that claims 2 – 7, 16-27, and 29-36 distinguish over Okumura in combination with Maeda for the same reasons set forth above with respect to independent claims 1, 12, and 14, respectively.

With respect to claims 6-7, 20-21, 26 and 27, the Ohira reference does not make up for the deficiencies of Okumura and Maeda. The Ohira reference discloses recording data in the form of a character on a recording surface of an optical disk. Ohira discloses an optical disk in which both surfaces are recording surfaces having formed pit trains. A recognizable display pattern is formed by recording data within dummy pits of one of the recording surfaces using a modulated light beam. (*Ohira, Abstract, 2:37-45, 3:3-30, and FIG. 6*) However, the combination of Okumura, Maeda, and Ohira, does not disclose, teach, or suggest an optical disc recording apparatus for forming an image on an optical disc by a laser beam which includes "*an optical pickup which applies a laser beam of substantially constant power to the optical disc to*

*form the image.*" Accordingly, Applicant respectfully submits that independent claims 6-7, 20-21, 26 and 27 distinguish over the combination of Okumura and Maeda.

**New independent claim 38 recites:**

An optical disc recording apparatus, comprising:  
an optical pickup which applies a laser beam of substantially constant power to an optical disc;  
a rotating section which rotates the optical disc at a substantially constant speed;  
a feeding section which specifies a movement distance of the optical pickup in a radial direction;  
a detecting section which detects a radial position of the optical pickup with respect to the optical disc; and

*a movement distance controlling section which changes the movement distance specified by the feeding section in accordance with the radial position of the optical pickup detected by the detecting section, wherein the movement distance specified by the feeding section is correlated in advance to a predetermined radial position of the optical pickup.*

The combination of the Okumura, Maeda and Ohira does not disclose, teach or suggest the apparatus recited in independent claim 38. Unlike the apparatus specified in independent claim 38, the combination of Okumura, Maeda and Ohira does not teach "*a movement distance controlling section which changes the movement distance specified by the feeding section in accordance with the radial position of the optical pickup detected by the detecting section, wherein the movement distance specified by the feeding section is correlated in advance to a predetermined radial position of the optical pickup.*" Accordingly, Applicant respectfully submits that independent claim 38 distinguishes over the combination of the Okumura, Maeda and Ohira.

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New independent claim 39 recites:

An optical disc recording apparatus for forming an image on an optical disc by a laser beam, comprising:

*an optical pickup which applies a laser beam of substantially constant power to a label face of the optical disc to form the image on the label face, wherein the label face of the optical disc does not include tracks;*

a rotating section which rotates the optical disc at a substantially constant speed;

a feeding section which moves the optical pickup by a movement distance in a radial direction of the optical disc;

a detecting section which detects a radial position of the optical pickup with respect to the optical disc; and

a movement distance controlling section which changes the movement distance set by the feeding section in accordance with the radial position of the optical pickup detected by the detecting section.

The combination of the Okumura, Maeda and Ohira does not disclose, teach or suggest the apparatus recited in independent claim 39. Unlike the apparatus specified in independent claim 39, the combination of Okumura, Maeda and Ohira does not teach “*an optical pickup which applies a laser beam of substantially constant power to a label face of the optical disc to form the image on the label face, wherein the label face of the optical disc does not include tracks.*” Accordingly, Applicant respectfully submits that independent claim 39 distinguishes over the combination of the Okumura, Maeda and Ohira.

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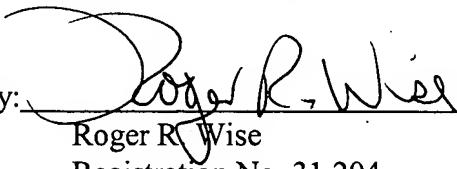
Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

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Date: February 27, 2008

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